

ATTACHMENT D

RESOLUTION NO. 12-16

A Resolution of the South Coast Air Quality Management District (AQMD) Governing Board Certifying the Addendum to the Final Environmental Assessment for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines.

A Resolution of the AQMD Governing Board amending Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines.

WHEREAS, the AQMD Governing Board has determined with certainty that Proposed Amended Rule 1110.2 is considered a “project” pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, the AQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and has conducted CEQA review pursuant to such program (AQMD Rule 110); and

WHEREAS, the AQMD was the lead agency and prepared the 2007 Final Environment Assessment (EA) for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines (SCAQMD No. 280307JK, December 2007) for the 2008 Amendments to Rule 1110.2, which was certified on January 4, 2008; and

WHEREAS, it was concluded that the proposed amendments to Rule 1110.2 would not generate any new significant adverse environmental impacts or make existing significant adverse impacts identified in the 2007 Final EA Proposed Amended Rule 1110.2 worse and, therefore, has concluded that an Addendum prepared pursuant to CEQA Guidelines §16164 is the appropriate CEQA document for the proposed project; and

WHEREAS, as Lead Agency for Proposed Amended Rule 1110.2 under CEQA, the AQMD prepared an Addendum to the 2007 Final EA; and

WHEREAS, pursuant to CEQA Guidelines §15164(c), an Addendum need not be circulated for public review; and

WHEREAS, the AQMD Governing Board voting on Proposed Amended Rule 1110.2, has reviewed, considered the Addendum to the 2007 Final EA along with the 2007 Final EA; and

WHEREAS, the AQMD Governing Board finds and determines, taking into consideration the factors in §(d)(4)(D) of the Governing Board Procedures, that any modifications adopted which have been made to Proposed Amended Rule 1110.2, since notice of public hearing was published do not significantly change the meaning of the proposed rule within the meaning of the Health and Safety Code Section 40726 and do not constitute conditions described in CEQA Guidelines §15162 requiring preparation of a subsequent CEQA document; and

WHEREAS, the AQMD Governing Board has determined that a need exists to amend Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, for the reasons contained in the Board Letter; and

WHEREAS, the AQMD Governing Board obtains its authority to adopt, amend, or rescind rules and regulations from Sections 40000, 40001, 40440, 40500, 40501.3, 40506, 40510, 40510.5, 40512, 40522, 40522.5, 40523, 40702, 40725 through 40728, and 44380 of the California Health and Safety Code; and

WHEREAS, the AQMD Governing Board has determined that Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, as proposed to be amended, is written or displayed so that its meaning can be easily understood by the persons directly affected by it; and

WHEREAS, the AQMD Governing Board has determined that Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, as proposed to be amended, is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the AQMD Governing Board has determined that Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, as proposed to be amended, does not impose the same requirements as any existing state or federal regulation, and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the AQMD; and

WHEREAS, the AQMD Governing Board, in amending and adopting this regulation, references the following statutes which the District hereby implements, interprets, or makes specific: California Health and Safety Code Sections 40440(a) (rules to carry out the Air Quality Management Plan), 40440(c) (cost effectiveness), 41508, 41700, and Federal Clean Air Act Section 172(c)(1) (RACT); and

WHEREAS, the AQMD Governing Board has determined that the Final Socioeconomic Assessment approved for the 2008 amendments to Rule 1110.2 remain valid for this proposed amendment, since there are fewer engines to control and the control costs have remained relatively constant since the 2008 Socioeconomic Assessment was conducted; and

WHEREAS, the AQMD Governing Board has determined that the 2008 Socioeconomic Assessment for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines is still consistent with the provisions of Health and Safety Code Sections 40440.8, 40728.5 and 40920.6; and

WHEREAS, the AQMD Governing Board has determined that the 2008 Socioeconomic Assessment for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines is still consistent with the March 17, 1989 Board Socioeconomic Resolution for rule adoption; and

WHEREAS, the AQMD Governing Board has determined that Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines would have fewer costs to the affected industries than what was described in the 2008 Socioeconomic Assessment; and

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725; and

WHEREAS, the AQMD Governing Board has held a public hearing in accordance with all the provisions of law; and

WHEREAS, the AQMD specifies the Manager of Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed amendment is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

WHEREAS, at the conclusion of the public hearing, the AQMD Board may make other amendments to Proposed Amended Rule 1110.2 which are justified by the evidence presented, or may decline the amendments or adoption; and

NOW, THEREFORE, BE IT RESOLVED, that the AQMD Governing Board does hereby certify that the Addendum to the 2007 Final EA for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines, was completed in compliance with the CEQA statutes and Guidelines; and finds that the Addendum to the 2007 Final EA along with the 2007 Final EA for Proposed Amended Rule 1110.2 were presented to the Governing Board, whose

members reviewed, considered and approved the information therein prior to acting on Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines; and finds that the Addendum to the 2007 Final EA along with the 2007 Final EA for Proposed Amended Rule 1110.2 reflect the AQMD's independent judgment; and

BE IT FURTHER RESOLVED, that because no significant adverse environmental impacts were identified as a result of implementing Proposed Amended Rule 1110.2, Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Plan are not required; and

BE IT FURTHER RESOLVED, that because the CEQA document attached herein is an Addendum to the 2007 Final Environmental Assessment for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines, the *Attachment 1 to the Governing Board Resolution for Proposed Amended Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Internal Combustion Engines (ICEs) Statement of Findings, Statement of Overriding Considerations and Mitigation Monitoring Plan*, prepared for the 2008 amendments to Rule 1110.2 applies to the currently proposed amendments to Rule 1110.2 and, therefore, is attached herein and incorporated by reference; and

BE IT FUTHER RESOLVED, that the AQMD Governing Board directs staff to apply the funds collected from the Compliance Flexibility Fee to the AQMD's leaf blower program and any other similar NOx reduction programs pursuant to protocols approved under District rules which staff determines, in consultation with District Counsel, will not call for the preparation of a subsequent environmental assessment pursuant to CEQA guidelines section 15162; and

BE IT FURTHER RESOLVED, that the AQMD Governing Board directs staff, in amending this rule, to continue its technology/rule implementation assessment efforts by working collaboratively with all interested stakeholders and other interested parties in monitoring the performance of on-going demonstration and other commercial biogas control technology projects and report back to the Stationary Source Committee periodically, beginning no later than July 1, 2013, **and at least annually thereafter**; and

BE IT FUTHER RESOLVED, that the AQMD Governing Board directs staff, in amending this rule, to work collaboratively with all interested stakeholders and other interested parties in monitoring the effectiveness of the missing data provisions for continuous emission monitoring systems (CEMS) on biogas-fired engines, and make appropriate changes to the rule, if necessary, no later than January 1, 2015.

BE IT FURTHER RESOLVED, that the AQMD Governing Board does hereby receive and file the Final Technology Assessment Report for Biogas Engines; and

BE IT FURTHER RESOLVED, that the AQMD Governing Board does hereby amend, pursuant to the authority granted by law, Rule 1110.2 – Emissions from Gaseous- and Liquid-Fueled Engines, as set forth in the attached and incorporated herein by this reference.

Attachment

AYES: Benoit, Burke, Cacciotti, Lyou, Mitchell, Parker, Pulido, and Yates.

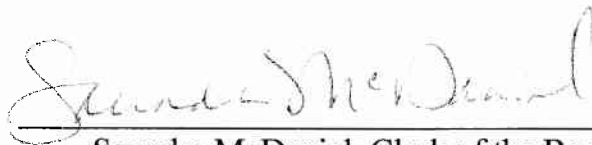
NOES: Nelson.

ABSTAIN: Antonovich.

ABSENT: Gonzales, Loveridge, and Perry.

Date:

Sept. 7, 2012



Sandra McDaniel, Clerk of the Boards